

APPROVED 12-4-03



**SCOTTSDALE DEVELOPMENT REVIEW BOARD
KIVA - CITY HALL
3939 N. DRINKWATER BOULEVARD
NOVEMBER 20, 2003
MINUTES**

PRESENT: Robert Littlefield, Council Member
E.L. Cortez, Vice Chairman
David Barnett, Planning Commission Member
Anne Gale, Design Member
Jeremy Jones, Design Member
Michael Schmitt, Design Member

ABSENT: Michael D'Andrea, Design Member

STAFF: Tim Curtis
Randy Grant
Jayna Shewak
Suzanne Colver
Ed Gawf
Al Ward
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Development Review Board was called to order by Councilman Littlefield at 1:00 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

APPROVED 12-4-03 - bdf

DRAFT

CONTINUATION

55-DR-2003

Northsight Retail & AutoZone
Site Plan & Elevations
14760 N. Northsight Boulevard
RHL Design Group, Architect/Designer
Continued to December 4, 2003

MINUTES APPROVAL

November 6, 2003 DRB Minutes

VICE CHAIRMAN CORTEZ MADE A MOTION TO APPROVE THE NOVEMBER 6, 2003, MEETING MINUTES AS PRESENTED. SECOND BY MR. BARNETT.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

CONSENT AGENDA

59-DR-2003

Desert Parks Vista Luxury Apartments @ DC Ranch
Site Plan & Elevations
17800 N. 94th Street
WhitneyBell Architects Inc.,
Architect/Designer

62-DR-2003

Grayhawk Executive Center (Parcel 20b)
Site plan & Elevations
10101 E. Thompson Peak Pkwy
Butler Design Group, Architect/Designer

65-DR-2003

DC Ranch Village Health Studio and Spa
Site Plan & Elevations
10101 E. Thompson Peak Pkwy
Butler Design Group / Rick Butler
Architect/Designer

37-DR-2002#2

(MOVED FROM
REGULAR AGENDA)

136th Street Office Building
Site Plan & Elevations
11440 N. 136th Street
Allen & Philp Architect/Designer

MR. BARNETT MOVED TO APPROVE CASES 59-DR-2003, 62-DR-2003 WITH THE AMENDED STIPULATIONS, 65-DR-2003, AND 37-DR-2002#2. SECOND BY VICE CHAIRMAN CORTEZ.

APPROVED 12-4-03 - bdf

DRAFT

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

48-DR-2003

2nd and Brown Parking Garage
Site Plan & Elevations
7234 E. 2nd Street

(MR. SCHMITT DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

MR. BARNETT MOVED TO APPROVE CASE 48-DR-2003. SECOND BY MR. JONES.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH MR. SCHMITT ABSTAINING.

REGULAR AGENDA

69-DR-2003

Basha's Shopping Center
Site Plan & Elevations
8035 E. Indian School Road
Butler Design Groups/ Clay Chiappini,
Architects

MR. CURTIS presented this case as per the project coordination packet. He stated that during the study session Vice Chairman Cortez had requested to see the elevations approved over a year ago. He reviewed the previously approved elevations. Staff recommends approval subject to the attached stipulations.

MR. BARNETT inquired if this structure was taller than the stipulated 36 feet. Mr. Curtis stated the ordinance does allow ornamental towers to exceed the 36 feet height limitation based on the square footage of the roof area. This is compliance with the ordinance.

MR. SCHMITT stated staff showed the previously approved elevations that were for a remodel of the existing building. He inquired if this request was for demolition of the existing building and construction of a new building. Mr. Curtis replied in the affirmative. They are proposing to tear down the existing building and put up a new building.

VICE CHAIRMAN CORTEZ stated there was concern when the elevations were first presented regarding what they considered a lighted billboard of the Walgreens second story element. He inquired how in the new proposal that element is different. Mr. Curtis stated when the previous case went through there were a lot of stipulations placed on the tower element specifically to address some of the concerns. Those stipulations were repeated in this case.

DRAFT

Vice Chairman Cortez inquired if the glass area in this application is larger than the previous application. Mr. Curtis replied it is a little different design. He stated in terms of the square footage the applicant would know.

GARY PEDERSON, Pederson Group Inc., stated he was representing the applicant. He provided a brief history on the site. He further stated that originally they were going to remodel the store but decided to completely redo the shopping center to bring a grocery store comparable to what they did at Grayhawk plaza. He discussed the challenges with this tight site. He also discussed the old elevations compared to the new. He remarked on the neighborhood involvement.

COUNCILMAN LITTLEFIELD inquired how this store would compare in size to the Grayhawk store. Mr. Pederson replied this site would be a little smaller.

Mr. Pederson stated he would like to address the question regarding the glass area. The glass on the proposed elevations is not larger.

VICE CHAIRMAN CORTEZ inquired about the depth of the mortar and pestle logo. Mr. Pederson replied the initial setback to the glass from the column is 30 inches another 36 inches from the glass to the mortar and pestle.

MS. GALE stated a year ago they stipulated that the material behind the mortar and pestle could not be painted white, and it is shown as painted white. Mr. Pederson stated the elevations did not reflect the color. He further stated it would be painted a light color.

MR. BARNETT stated in all of the projects the Board has approved in the last couple of months they have required the project to create a landscape buffer surrounding the neighbors. He requested information on their plans to create a landscape buffer. He inquired how the lighting for this project compared to the Grayhawk project. Mr. Pederson provided information on where they would be adding new trees to create the landscape buffer. He noted that there is also an alley that creates separation between the shopping center and homes to the east. He further stated with respect to the lighting they have compared this to the shopping centers in the area and this is less than the major shopping centers in the area. The foot-candles go down to zero at the property line. The lights on the side and in the back would be fully shielded and pointed down.

Mr. Barnett inquired if there were stipulations regarding the hours of operation for the loading dock. Mr. Pederson replied in the negative. He stated Basha's has the right to load when they need to load. They have not set any formal curfew but they have always worked with the neighbors if there are any problems.

DRAFT

Mr. Barnett stated looking at the stipulations there is not a stipulation regarding having doors or gates on the walls on the back two sides. Mr. Pederson stated there was an opening in the southeast corner of the site and the neighbors want it to remain open because they use it for access.

**MR. JONES MOVED TO APPROVE CASE 69-DR-2003 AS STIPULATED.
SECOND BY MR. BARNETT.**

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

45-DR-2003

5th Avenue Parking Garage
Site Plan & Elevations
7143 E. Fifth Ave. (between Fifth & Third Aves.
@ Craftsman Court)

(MR. SCHMITT DECLARED A CONFLICT AND DID NOT PARTICIPATE IN
THE DISCUSSION OR VOTE.)

MR. GAWF presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

MR. BARNETT stated he is a big fan of downtown parking. He further stated he wants parking down there and felt they have come up with a good plan and he hoped the Board passes this, but he planned on voting no purely on protocol. He remarked that the staff report under Discussion states:

“The City consultant and staff have discussed the proposed design and have come to the conclusion that the design presented in the elevations attached to this staff report package does not consider the surrounding context of the site location.”

He further remarked this was written and approved by staff less than a week ago and now in study session, apparently they have changed their mind completely and now this plan does consider the surrounding context. He commented that he had a problem with that. He further commented that he knew they were on a timeline but every single project that comes through here is on a time line. He reiterated that he was going to vote against this request because it is bad protocol. If any of the Board members want to ask questions on the architecture he would let them but quite obviously they don't care what this Board is saying as far as the architecture. They are quite content moving this forward no matter what they say.

MR. GAWF stated he felt that it is important to balance timeliness and attractiveness in moving ahead. He further stated he would not compromise doing it right. He stated the other issue is what has changed in a week. Nothing

DRAFT

has changed but what he didn't say and should have included in his comments. The one comment they have gotten from people is that some of the elevations are too busy. He noted that the drawings the Board has seen are different than the drawings reviewed by staff for the report. He reviewed how they have tried to simplify the architecture. If there are other elements, they can do to simplify it that is fine.

Mr. Gawf remarked if there is the thought that he is in some way because of his position overriding staff or directing staff to do something differently that is not the case. The working sessions have always been with the consultant, architect, planning staff, the parking person and himself. He reported that he was part of the discussion a few weeks ago that led to the comments in the staff report that maybe it was too busy. Let's simplify it and make the lines cleaner and that is what they have tried to do.

MR. BARNETT stated he appreciated Mr. Gawf's comments noting that he was not directing them at him or city staff. He further stated it seems as if they are not following their own protocol. They are coming in with a project and telling them there are a lot of people who don't like a lot of things. This is not a final plan. He reiterated he likes the plan but is voting against it on protocol.

MR. GAWF stated they tried very hard in August to get on their agenda so they could discuss the style of architecture. He further stated he felt they should look at having study sessions at the front end of the project to get the Board members' thoughts so they can incorporate them into the project before it gets to the final. He noted because they could not get on the DRB agenda they got design people, architects, and a member of the DRB and Planning Commission and had a three-hour discussion on the architecture of this area and what the style should be.

COUNCILMAN LITTLEFIELD inquired if staff felt the elevations in the packet do fit in with the context of the location. Mr. Gawf replied in the affirmative. Councilman Littlefield requested staff highlight the changes made to make it more consistent.

RANDELL MARTINEZ, Dick Fritsche Design Group, reviewed the changes that were made to simplify the east elevations.

MS. GALE stated she liked complexity of the elevations. She further stated she would hate to see the building become simpler because what it is doing is blending in on a very fine scale. She remarked she felt the saddest elevation was the west elevation, which was strictly industrial strength parking lot. Otherwise, she felt they did a wonderful job.

DRAFT

VICE CHAIRMAN CORTEZ stated prior to today's discussion he was prepared to continue this case simply because he wanted to see what the design staff was going to submit as the revised elevations for this project. Based on what he considers valuable input from the surrounding area the submittal they have in the packet seems to be inconsistent with the area. He further stated he tends toward the original position of the staff that this structure does not seem to be applicable for its present location. He remarked when he started looking at the garage itself the civic center garage came to mind because it has been here for years and very few people could draw the elevations for that structure simply because it is enveloped by the existing context. This structure would also be enveloped by the existing context. Therefore he would think a little more simplified or contemporary would be the best solution for this design.

MR. GAWF stated one of the discussions they wanted to have early on in the process was the issue of context because that is part of the issue. They started off with contemporary approach using some of the contemporary galleries on Marshall Way but when the buildings came in, they were too stark. As they started looking to the north and west they started to think the context is going to change in the next 5 to 20 years so they started checking with some of the architects that are working on designs in that area right now. They felt this was getting into that vernacular.

COUNCILMAN LITTLEFIELD stated he would have to say that Vice Chairman's comments are very appropriate that the beauty of the Civic Center Garage is that nobody notices. It is a utility. That is a good goal when you are building such a massive structure. He further stated he felt making it simpler was a good thing and he is happy to see it happen. He remarked he felt the comments about the east elevation were correct. He further remarked he would be supporting this request because he thought the design was appropriate.

MR. JONES stated he felt the building was over articulated. He further stated he would agree with putting more detail on the north south exposure ends of the garage so much as they can make the rest of it back drop that allows any growth any evolution of the rest of the surrounding town to take place without having to refer to the California fantasy kind of style would be an improvement. It does not seem to encourage some of the better things that have happened in that area. He commented he would support a simpler design that is stronger on the north south ends and have some detailing there but he did not think they needed to resort to nine different kinds of windows.

MS. GALE stated she would like to address that because she thought that is what gives the building its suitability to the neighborhood. It is well and good to remark on the neighbors as being those people on Marshall Way when in fact they are a block and a half away. If you site this building with its very clear neighbors, you will find this is a very happy relationship. Otherwise, if you don't

DRAFT

have these interesting intricate facades it will look like a warehouse or big box store built in behind these small buildings. She concluded she felt it was charming. Mr. Jones stated he felt she was confusing simple and modern and they are not the same. They can detail the buildings and make them interesting or more interesting and compatible with some of the cute buildings in that area. He remarked he would not advocate plain square, no change, and no color. He further remarked he would agree it needs articulation and interest in a similar scale but doesn't think they have to go to California for it.

MR. BARNETT MOVED TO APPROVE CASE 45-DR-2003 AS PRESENTED BY MR. GAWF WITHOUT THE EYEBROWS. SECOND BY MS. GALE.

THE MOTION FAILED BY A VOTE OF TWO (2) TO THREE (3) WITH MR. BARNETT, MR. JONES AND VICE CHAIRMAN CORTEZ DISSENTING AND MR. SCHMITT ABSTAINING.

MR. BARNETT MOVED TO APPROVE CASE 45-DR-2003 AS PRESENTED BY MR. GAWF. SECOND BY MS. GALE.

THE MOTION PASSED BY A VOTE OF THREE (3) TO TWO (2) WITH MR. JONES AND VICE CHAIRMAN CORTEZ DISSENTING AND MR. SCHMITT ABSTAINING.

50-DR-2003

Desert Hills Presbyterian Church
Site Plan & Elevations
34605 N. Scottsdale Rd
CCBG Architects, Architect/Designer

MR. WARD presented this case as per the project coordination packet. He stated there was an issue brought up in study session regarding the body contact with the glass in gymnasium. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN CORTEZ expressed his concern regarding safety with the floor to ceiling glass on the long elevation in the gymnasium.

SCOTT WALKER, CCBG Architects, stated the question concerning the glass has come up with the building committee and they are willing and want to make it as safe as possible by providing laminated glass at least eight feet up.

COUNCILMAN LITTLEFIELD inquired why glass. Mr. Walker replied the site is extremely beautiful up there and the boulders travel up the mountain. They want to maintain the view. He noted the gymnasium space is secondary the space will mainly be used for general assembly. They will use the space for dinners and

DRAFT

they want to open the side doors and move out on to the patio and have the views up the mountain.

MS. GALE stated she felt it would be criminal not to have glass on that elevation. It is one of the more spectacular views in the city.

MR. BARNETT inquired if the proposed tower element would fall under the old ESL rules or the proposed new rules. Mr. Ward replied it would fall under the old rules. It is an existing tower.

COUNCILMAN LITTLEFIELD inquired how tall the new building would be. Mr. Ward stated the new building would be 30 feet. Councilman Littlefield inquired why they are recommending approval above the 24 feet. Mr. Ward replied because this case is being considered under the previously approved ESL Ordinance.

Councilman Littlefield stated they had a situation where the DRB approved a new tower a few months ago and they ended up reconsidering it at the City Council and before they could turn it down the applicant withdrew their application. He further stated this looks like a repeat. He inquired why is this different than the case that just went to Council. Mr. Ward stated one reason this is different is because this case was approved through a use permit process in 1987. It is subject to the new rules, however, under the criteria that was originally approved staff is of the position that it is the same context and same established scenario that currently exists.

Councilman Littlefield inquired why this project would not suffer the same fate as the last one. Ms. Shewak stated this project has more history to the neighbors and residents of the area. It is sometimes easier to deal with these issues when the site is not as pristine as the other one. It was more visible because there was nothing developed on it. She reported anyone has the right on any agenda to bring forward an appeal and that is something they cannot control. However, they do need to review and look at these cases as the ordinance tells them to. She further reported that they have not received any comments.

Councilman Littlefield inquired if the opposition to the other case turned up at the DRB hearing. Ms. Shewak replied in the affirmative. They were involved through the entire design process for the Dream Center. Councilman Littlefield stated the difference would be that they don't have anyone down here protesting this case. Ms. Shewak replied in the affirmative.

VICE CHAIRMAN CORTEZ stated when the DRB approved the Dream Center it was under the context of the religious federal law that overrides zoning ordinance or municipal or state regulations with regard to building heights for religious

DRAFT

sanctuaries. It was in that context that DRB approved that and they were hopeful the City Council would step in and do what they felt was best.

COUNCILMAN LITTLEFIELD stated he was not interested in recreating that situation for himself or his colleagues. Mr. Ward stated the applicant did neighborhood outreach. Mailings were sent to property owners within 300 feet and there was not response.

MS. GALE stated she felt they should look at a contrasting color for the door and window frames or make them the same color of the building.

MR. JONES stated it would have been helpful to have had a better sketch of the context and he would like to encourage that kind of presentation. He remarked that otherwise it is fine.

VICE CHAIRMAN CORTEZ stated going back to the glass issue, he inquired if there would be an objection from the applicant if they stipulated that all of the glass on the north side in the multi-purpose room be laminated glass. Mr. Walker replied the cost of laminated glass is quite high. Maybe a solution would be to laminate up to eight feet and then have a reinforced or tempered glass full height to control the problem. Vice Chairman Cortez stated he would be happy if they considered any type of safety measure other than vision glass with whatever the budget would allow.

MR. JONES stated in terms of energy management what type of glass are they proposing for the east elevation. Mr. Walker stated they would be using a low-e glass with possibly a light tint but they don't want to obscure the view.

VICE CHAIRMAN CORTEZ MOVED TO APPROVE CASE 50-DR-2003 WITH THE ADDED STIPULATIONS:

THE GLASS IN THE MULTI-PURPOSE AREA BE LOW-E GLASS AND THAT THE FIRST EIGHT (8) FEET OF ALL GLASS BE LAMINATED GLASS. THAT THE ARCHITECT AND OWNER OR THE PROPERTY CONSIDERS OTHER SAFETY MEASURES FOR ALL GLASS ABOVE EIGHT (8) FEET IN THAT ROOM.

REEVALUATE THE COLOR FOR THE DOOR AND WINDOW FRAMES.

SECOND BY MR. JONES.

COUNCILMAN LITTLEFIELD stated he would be voting no because of the height issue.

DRAFT

**THE MOTION PASSED BY A VOTE OF FOUR (4) TO TWO (2) WITH
COUNCILMAN LITTLEFIELD AND MR. BARNETT DISSENTING.**

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Development Review Board was adjourned at 2:35 p.m.

Respectfully Submitted

"For the Record" Court Reporters